

A RESOLUTION

BY



A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) FOR THE OPERATION OF THE PUBLIC PARKING FACILITIES AT UNDERGROUND ATLANTA; TO RESCIND CONFLICTING RESOLUTIONS; AND FOR OTHER PURPOSES.

WHEREAS, the Agreement for the operation and management of the Public Parking Facilities at Underground Atlanta has expired; and

WHEREAS, the City wishes to contract with the Downtown Development Authority (DDA) for the operation and management of said parking facilities; and

WHEREAS, the DDA is interested and capable of operating and managing said parking facilities; and

WHEREAS, pursuant to Article 9, § 2, ¶ 3 (a)(11) of the 1983 Georgia Constitution, cities are empowered to own and operate parking facilities; and

WHEREAS, pursuant to O.C.G.A. §36-42-8(5), downtown development authorities are authorized to operate and manage parking facilities; and

WHEREAS, such intergovernmental agreements are authorized by Article 9, §3, ¶1 of the 1983 Georgia Constitution and O.C.G.A. §36-42-8(10);



THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES

AS FOLLOWS:

**SECTION 1:** The Mayor is hereby authorized to execute an Agreement with the Downtown Development Authority (DDA) for the operation and management of the Public Parking Facilities at Underground Atlanta.


**SECTION 2:** The terms and conditions for said Agreement shall be as follows for a period of one (1) year after the effective date of the Agreement, with new terms to be negotiated for a contract period of five (5) years thereafter, said renegotiated terms **being** subject to approval by the City Council:

(a) It shall be the responsibility of the DDA to collect, count, record and deposit all gross receipts with the City's Treasury Division on a daily basis.

(b) The Agreement shall provide for a monthly payment by the City to the DDA to provide reimbursement for direct operating costs and a base management fee in the amount of Two Thousand Two Hundred Fifty Dollars and No Cents (\$2,250.00) per month.

(c) The City also agrees to pay an incentive fee to the DDA that is equal to three percent (3%) of net profits in excess of One Million One Hundred Thousand Dollars and No Cents, annually.

(d) DDA shall further agree to adhere to all of the terms and conditions of that certain Management Contract For Public Parking Facilities At Underground Atlanta dated



June 1, 1989 between the City of Atlanta and Parking Company of America, Inc.

(e) In furtherance of the obligation of the DDA to operate and manage the Parking Facilities, the DDA agrees to use its best efforts to cause the Parking Facilities to be operated and managed in accordance with the following requirements:

(i) Operate and maintain the Parking Facilities in a first class manner, consistent with the operation of other parking garage facilities appurtenant to first class residential projects in Atlanta, Georgia and at a level consistent with a high quality urban retail specialty project.

(ii) Operate, employ and staff the Parking Facilities 24 hours per day, 7 days per week, 365 days per year with such competent personnel as may be required to continuously operate the Parking Facilities in a first class manner consistent with the operation of other parking garage facilities appurtenant to first class residential projects in Atlanta, Georgia, and at a level consistent with a high quality urban retail specialty project, including, but not limited to, the employment of an on-site manager at the Parking Facilities with full authority and responsibility to manage, operate and maintain the Parking Facilities and handle emergencies occurring therein.

(iii) Purchase all necessary supplies and operating equipment as needed for the operation of the Parking Facilities.

(iv) Attend to the maintenance and repair of all automatic parking equipment, signage and lighting fixtures (including bulb replacement), and provide all other customary repair and maintenance necessary in connection with the operation of the



## Parking Facilities in the ordinary course of business.

(v) Assure the maintenance of the Parking Facilities, employee washrooms, elevators, elevator lobbies, parking management offices, and other areas of the Parking Facilities for the visitors, guests, customers and patrons in a clean, neat and attractive condition.

(vi) Operate the Parking Facilities in compliance with all applicable state, federal, and municipal laws, rules and ordinances.

(vii) Provide or perform daily maintenance and custodial and housekeeping services for the Parking Facilities including, but not limited to, the removal of paper, debris and litter, bottles, cans and broken glass, clean up of spills and other liquid matter or waste, and emptying of trash receptacles as needed.

(viii) Inspect daily all floors, walls, doors, equipment, cabinets and enclosures, windows, stairs, landings, railings, elevators and other areas in the Parking Facilities subject to dirt and soil accumulation and clean as necessary using recommended detergents and commercial cleaning agents customarily used for this purpose. Surfaces in the Parking Facilities requiring washing, polishing, or oil application are to be treated no less than monthly or as frequently as needed to preserve a clean and well-maintained appearance.

(ix) Power sweep or mechanically scrub the entire floor area of the Parking Facilities on a monthly basis to maintain a clean, well-maintained facility.

(x) Enter into and pay for all maintenance contracts on the parking equipment

RCS# 3100  
9/17/01  
3:05 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 11

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

*Unanimous*  
SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-1458

CONSENT

**ITEMS ADOPTED ON CONSENT AGENDA**

1. 01-O-1231
2. 01-O-1453
3. 01-O-1449
4. 01-O-1475
5. 01-O-1476
6. 01-O-1477
7. 01-O-0976
8. 01-O-1327
9. 01-O-0591
10. 01-O-1457
11. 01-R-1431
12. 01-R-1432
13. 01-R-1306
14. 01-R-1443
15. 01-R-1455
16. 01-R-1353
17. 01-R-1486
18. 01-R-1330
19. 01-R-1331
20. 01-R-1332
21. 01-R-1333
22. 01-R-1427
23. 01-R-1450
24. 01-R-1474

01-R-1474

(Do Not Write Above This Line)

A RESOLUTION

BY

*[Signature]*

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) FOR THE OPERATION OF THE PUBLIC PARKING FACILITIES AT UNDERGROUND ATLANTA; TO RESCIND CONFLICTING RESOLUTIONS; AND FOR OTHER PURPOSES.

ADOPTED BY

SEP 17 2001

COUNCIL  
*As Amended*

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred	9/4/01
Referred To:	<i>CD/HR</i>
Date Referred	
Referred To:	
Date Referred	
Referred To:	

First Reading

Committee	
Date	
Chair	
Referred to	

Committee	
Date	9/12/01
Chair	<i>Charles E. Porter</i>
Action:	
Fav, Adv, Hold (see rev. side)	<i>as amended</i>
Other:	
Members	<i>Mr. H. Mabley Thomas</i> <i>Chairman Pro Temp</i> <i>Don L. G. S.</i>
Refer To	

Committee	
Date	
Chair	
Action:	
Fav, Adv, Hold (see rev. side)	
Other:	
Members	
Refer To	

FINAL COUNCIL ACTION	
<input type="checkbox"/> 2nd	<input type="checkbox"/> 1st & 2nd
Readings	
<input type="checkbox"/> Consent	<input type="checkbox"/> V Vote
<input checked="" type="checkbox"/> RC Vote	

CERTIFIED

**CERTIFIED**  
SEP 17 2001  
ATLANTA CITY COUNCIL PRESIDENT  
*Charles E. Porter*

**CERTIFIED**  
SEP 17 2001  
*Charles E. Porter*  
MUNICIPAL CLERK

MAYOR'S ACTION

**CERTIFIED**  
SEP 25 2001  
*[Signature]*  
MAYOR